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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KATHY NELSON,

Defendant.

2:10-CR-026 JCM (RJJ)

ORDER

Presently before the court is defendant Kathy Nelson's *pro se* motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. (Doc. #50).

On January 21, 2011, the court accepted Mrs. Nelson's guilty plea to escape, and sentenced her to fifteen (15) months custody to be followed by three (3) years of supervised release. (Doc. #35). Following the imposition of sentence, defendant filed several *pro se* motions/notices, including; a motion to correct sentence (doc. #36), a notice of appeal (doc. #38), a motion for appointment of counsel for appeal (doc. #40), a notice of withdrawal of appeal (doc. #44), and a motion to vacate (doc. #45). As defendant Nelson was represented by counsel and was not permitted to file *pro se* motions, the court entered an order striking the above mentioned filings. (Doc. #46).

Subsequently, on March 23, 2011, defendant Nelson sent a letter to the court requesting the status of her motion to vacate, and updating her address. The court filed the letter on March 28, 2011 (doc. #48), and resent her a copy of the order striking her *pro se* filings (doc. #46). On April 1, 2011, the court received another letter from Mrs. Nelson (Attached to doc. #49), this time requesting that

1 counsel remove himself from her case. Included in the letter to the court, was a copy of a letter that
2 she mailed to counsel requesting that he remove himself from the case “[i]n order to allow [her] to
3 file [a] *pro se* motion” to vacate. (Attached to Doc. #49). On April 12, 2011, the court forwarded
4 defendant Nelson’s letters to counsel (doc. #49).

5 To date, defendant Nelson is still represented by counsel, and the court has not been notified
6 of any intention to withdraw or substitution of counsel. On April 18, 2011, defendant Nelson filed
7 the present *pro se* motion to vacate her sentence (doc. #50).

8 As the court has previously ruled, “[a] party who has appeared by attorney cannot while so
9 represented appear or act in the case.” Local Rule IA 10-6(a). Since defendant Nelson continues to
10 be represented by counsel, she is not permitted to file *pro se* motions. As such, her *pro se* motion to
11 vacate (doc. #50) is denied.

12 Accordingly,

13 IT IS HEREBY ORDERED ADJUDGED AND DECREED that defendant Kathy Nelson’s
14 motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. 2255 (doc. #50) be, and the
15 same hereby is, DENIED.

16 DATED May 3, 2011.

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19 UNITED STATES DISTRICT JUDGE
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